

REMARKS

Status of Application

Claims 29-31 are all the claims pending in the application. Claims 1-28 are canceled. Claims 29-31 are newly added. Applicant respectfully submits that these new claims are amply supported by the present disclosure, and add no impermissible new matter.

Claim Rejections Under 35 U.S.C. § 102

Claims 19-28 stand rejected under 35 U.S.C. § 102(e) as allegedly being rejected by U.S. Patent No. 6,226,618 to Downs et al. (“Downs”). Claims 19-28 are canceled, thereby rendering this rejection moot. Applicant, therefore, respectfully requests that the Examiner withdraw this rejection.

Applicant further respectfully submits that new claims 29-31 clearly distinguish over Downs, as Downs relates to electronic distribution between a content provider and a consumer, while the present invention relates to a technical improvement regarding a user’s use of his own content stored on a server apparatus and a portable terminal.

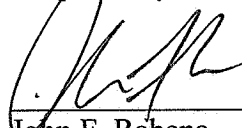
Furthermore, claim 29 requires a portable terminal comprising “an interface that receives” the “data of pieces of music that the user possesses” from a server apparatus, the portable terminal able to reproduce the pieces of music, while disconnected from the server apparatus, wherein “if the portable terminal is connected to the server apparatus” it sends the updated number of plays to the server apparatus for updating. Claims 30 and 31 recite features similar to those of claim 29. None of these features appear to be taught or suggested by the cited portions of Downs. Applicant, therefore, respectfully requests allowance of these claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

This Application is being filed via the USPTO Electronic Filing System (EFS). Applicants herewith petition the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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